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U. S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

FDO 72
AUGUST 5, 1943

[FDO 72]

PART 1465—FISH AND SHELLFISH

ALLOCATION OF IMPORTED SALTED FISH

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of salted fish for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1465.23 Regulation of salted fish imported into the United States—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "salted fish" means and includes the following if such fish are cured or preserved in any manner with the use of salt, but does not mean or include the following if such are smoked or packed in air-tight containers: Cod (*Gadus macrocephalus* and *Gadus callarias*), haddock (*Melanogrammus aeglefinus*), hake (*Urophycis* species and *Merluccius productus*), pollock (*Pollachius virens*), cusk (*Brosme brosme*), ling (*Molva molva*), and saithe (*Gadus virens*).

(3) The term "green-salted" means and includes salted fish neither skinned nor boned (except that the vertebral column may be removed) when containing more than 43 percent of moisture, by weight.

(4) The term "dry-salted" means salted fish neither skinned nor boned (except that the vertebral column may be removed) when containing not more than 43 percent of moisture, by weight.

(5) The term "boneless" means and includes salted fish, skinned or boned, whether or not dried.

(6) The term "1943 pack" means and includes the salted fish produced from the fish caught during the calendar year of 1943.

(7) The term "import" means, except as used in (e) hereof, to enter for consumption in the continental United States from any foreign country, including the Treaty Coasts defined in the Treaty of October 20, 1818, between the United States and Great Britain, entitled "Convention Respecting Fisheries, Boundary, and the Restoration of Slaves", proclaimed on January 30, 1819,

or to withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, for consumption in the continental United States.

(8) The term "import" as used in (e) hereof means to enter for consumption in the Territory of Puerto Rico from any foreign country, including the Treaty Coasts defined in the aforesaid Treaty of October 20, 1818, between the United States and Great Britain, or to withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouse) in the Territory of Puerto Rico for consumption in the Territory of Puerto Rico.

(9) The term "importer" means any person who is the first owner, in the continental United States, of imported salted fish; and it is immaterial, in determining whether a person is an importer, whether or not the United States import duty, if any, or other payments were made through or by a customs broker, nominal consignee, or other agent.

(10) The term "Director" means the Director of the Food Distribution Administration, War Food Administration.

(11) The term "governmental agency" means (i) the Armed Services of the United States (for the purpose of this order, such does not include the United States Army post exchanges, United States Navy ship's service departments, or United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing restricted salted fish in accordance with said Food Distribution Regulation 2.

(12) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Allocations.* (1) Notwithstanding any previous contract or other arrangement, no person shall import into the continental United States, for consumption in the continental United States any salted fish except as permitted by this order.

(2) From the 1943 pack, each importer is, subject to the limitation of the quota determined hereunder, and subject fur-

ther to the various other provisions hereof and to the import authorization under War Production Board Order M-63 (8 F.R. 8818), as amended, hereby authorized to import for consumption in the continental United States (i) from Canada not more than 55 percent, net weight, of the salted fish imported by the respective importer from Canada in 1942; (ii) from Newfoundland not more than 55 percent, net weight, of the salted fish imported by the respective importer from Newfoundland in 1942; and (iii) from Iceland not more than 20 percent, net weight, of the salted fish imported by such importer from Iceland in 1942. Each quantity of salted fish imported in 1942 by a particular importer for the use of any governmental agency or sold to any governmental agency by such importer subsequent to the importation of such salted fish in 1942 shall be excluded from the computation of the respective importer's quota, as aforesaid. The quota which may be imported pursuant hereto shall be computed on the basis of dry-salted fish, but each importer may import his entire quota in green-salted, dry-salted, or boneless fish, as defined in (a) hereof, or any combination thereof: *Provided*, That the following ratio shall be applied to each such quota: one pound of dry-salted fish equals 1.75 pounds of green-salted fish, and one pound of dry-salted fish equals 0.85 pound of boneless fish.

(3) Each importer shall, prior to importing salted fish pursuant to the provisions hereof, submit to the Director a statement, with respect to each lot of salted fish imported by such person in the calendar year of 1942 and in 1943 prior to the effective date hereof, showing (i) the country of origin, (ii) the name of the shipper, (iii) the quantity, (iv) the date and port of entry, (v) the rate of duty paid, (vi) the name of the person making the United States Customs entry or withdrawal from the bonded custody of the United States Bureau of Customs, and (vii) the quantity of salted fish sold in 1942 and in 1943 prior to the effective date hereof, by such importer to a governmental agency and the name of the particular governmental agency. The Director shall, from the information submitted to him and from such other information as may be available to him, determine, in accordance with the provisions of this order, the respective importer's quota which may be imported from the 1943 pack of salted fish: *Provided*, That the quantity of salted fish from the 1943 pack which has been imported in 1943

by any importer, prior to the effective date of this order, shall be deducted in computing the respective importer's quota, except that any such quantity of such salted fish as may have been imported for the use of any governmental agency or sold by the respective importer, prior to the effective date hereof, to any governmental agency subsequent to the importation of such salted fish shall not be deducted in computing the respective importer's quota. The Director shall notify each importer with respect to the respective importer's quota determined pursuant hereto; and an importer shall not import salted fish in excess of his quota.

(c) *Reallocation.* Each importer's quota pursuant hereto is on condition that the respective importer shall contract on or before September 15, 1943, for the purchase of the entire quota of salted fish allocated hereunder to the respective importer, and submit, on or before September 20, 1943, to the Director a copy of each such contract: *Provided*, That no such contract need be submitted with respect to salted fish which are the product of American fisheries and are from the Treaty Coasts or regions described in the aforesaid Treaty of October 20, 1818, between the United States and Great Britain. An importer may, under his quota pursuant to this order, import only such salted fish of the 1943 pack as may have been contracted for as aforesaid, by the respective importer on or before September 15, 1943. The Director may reallocate among other importers or other persons, including but not being limited to the Food Distribution Administration or the Federal Surplus Commodities Corporation, the unused portion of any importer's quota not thus under contract on September 15, 1943.

(d) *Exemption from quota restrictions.* The provisions of this order shall not be construed as restricting the importation of salted fish by or for a governmental agency: *Provided*, That any such importation of salted fish by or for a governmental agency shall be free from regulation hereunder only if, with respect to each such importation, a certificate is issued, prior to the importation of the salted fish of the 1943 pack, by the Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts or the Chief of the Bureau of Naval Personnel of the Navy, the Commandant of the United States

Coast Guard, the Quartermaster of the United States Marines, the Administrator of the War Shipping Administration, the Director of the Veterans Administration, the Director, or the duly authorized representative of any of the foregoing, and such certificate is issued to the person having the prime contract with a governmental agency, and specifying, in such certificate, the following: the name of the importer supplying such salted fish and that such salted fish are for direct Army, Navy, Coast Guard, or Marine Corps issue or for contract feeding of the Army, the Navy, the Coast Guard, or the Marine Corps personnel, or for consumption on ships operating under the War Shipping Administration. Each importer who claims that a particular importation and delivery of salted fish is for a governmental agency and is, therefore, exempt from quota restriction under this order, shall promptly submit to the Director a copy of each such certificate, described hereinabove, and certify to the Director that such is a true and correct copy of the certificate issued, as aforesaid.

(e) *Restrictions relative to Puerto Rico.* The Food Distribution Administration is hereby authorized, notwithstanding any provision of Food Distribution Regulation 2 (8 F.R. 7523) or any other order or regulation, to purchase all of the salted fish for the requirements of the Territory of Puerto Rico. No person other than the Food Distribution Administration may import salted fish of the 1943 pack into the Territory of Puerto Rico.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of salted fish of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Subsequent specific record-keeping or report-

ing requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using salted fish, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C. Ref. FD-72.

(l) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 5, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 5th day of August 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Thursday, August 5, 1943.

To assure equitable distribution in the United States of limited supplies of 7 species of imported salted fish, the War Food Administration today established individual quotas for each importer, based on the quantity which he brought into this country in 1942.

Effective today, August 5, each importer's share of the 1943 imports of salted cod, haddock, hake, pollock, cusk,

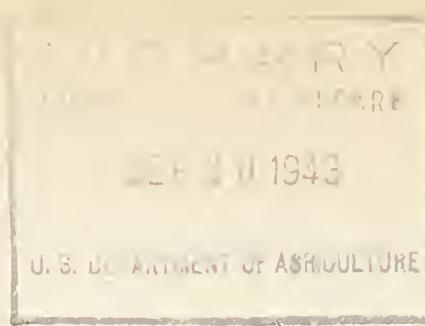
ling and saithe will be limited to 55 percent of the quantity which he imported from Canada and Newfoundland, respectively, in 1942 and to 20 percent of his 1942 imports from Iceland.

Under Food Distribution Order No. 72 importers wishing to obtain a quota must file a claim with the Director of Food Distribution, stating the essential factual information on his 1942 salted fish importation. On or before September 15, any importer who is granted a quota must contract for his quota and

submit a copy or the contract(s) on or before September 20 to the Director, Food Distribution Administration, Reference FDO 72, Washington, 25, D. C. Failing to do so, he forfeits such part of his quota as may be uncontracted for.

Importations to meet the requirements of specified Government agencies, including the Food Distribution Administration, will be quota exempt. The FDA will be the sole purchaser of these fish for Puerto Rico.

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op. 4



FDO 72

AMDT. 1

SEPTEMBER 2, 1943

WAR FOOD ADMINISTRATION

[FDO 72, Amdt. 1]

PART 1465—FISH AND SHELLFISH

ALLOCATION OF IMPORTED SALTED FISH

Food Distribution Order No. 72 (8 F.R. 10970), issued by the War Food Administrator on August 5, 1943, is hereby amended as follows:

1. By deleting therefrom the first sentence in § 1465.23 (b) (3) and inserting, in lieu thereof, the following:

(3) Each importer shall, prior to importing salted fish pursuant to the provisions hereof, submit not later than September 20, 1943, to the Director a statement, with respect to each lot of salted fish imported by such person in the calendar year of 1942 and in 1943 prior to the effective date hereof, showing (i) the country of origin, (ii) the name of the shipper, (iii) the quantity, (iv) the date and port of entry, (v) the rate of duty paid, (vi) the name of the person making the United States Customs entry or withdrawal from the bonded custody of the United States Bureau of Customs, and (vii) the quantity

of salted fish sold in 1942 and in 1943 prior to the effective date hereof, by such importer to a governmental agency and the name of the particular governmental agency.

2. By inserting at the conclusion of § 1465.23 (b) (3) the following additional sentence:

No quota shall be allocated, except under (h) hereof with respect to petitions for relief from hardship, to an importer who fails to submit to the Director the aforesaid information on or before September 20, 1943, as required by this order.

3. By deleting the first sentence in § 1465.23 (c) and inserting, in lieu thereof, the following:

Each importer's quota pursuant hereto is on condition that the respective importer shall contract on or before September 15, 1943, for the purchase of the entire quota of salted fish allocated hereunder to the respective importer and submit on or before September 20, 1943,

to the Director a copy of each such contract: *Provided*, That no such contract need be submitted with respect to salted fish which are the product of the Dominion of Canada or which are the product of American fisheries and are from the Treaty Coasts or regions described in the aforesaid Treaty of October 20, 1818, between the United States and Great Britain.

This order shall become effective at 12:01 a. m., e. w. t., September 3, 1943. With respect to any violation of Food Distribution Order No. 72, prior to the effective time hereof, said Food Distribution Order No. 72 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 2d day of September 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Friday, September 3, 1943

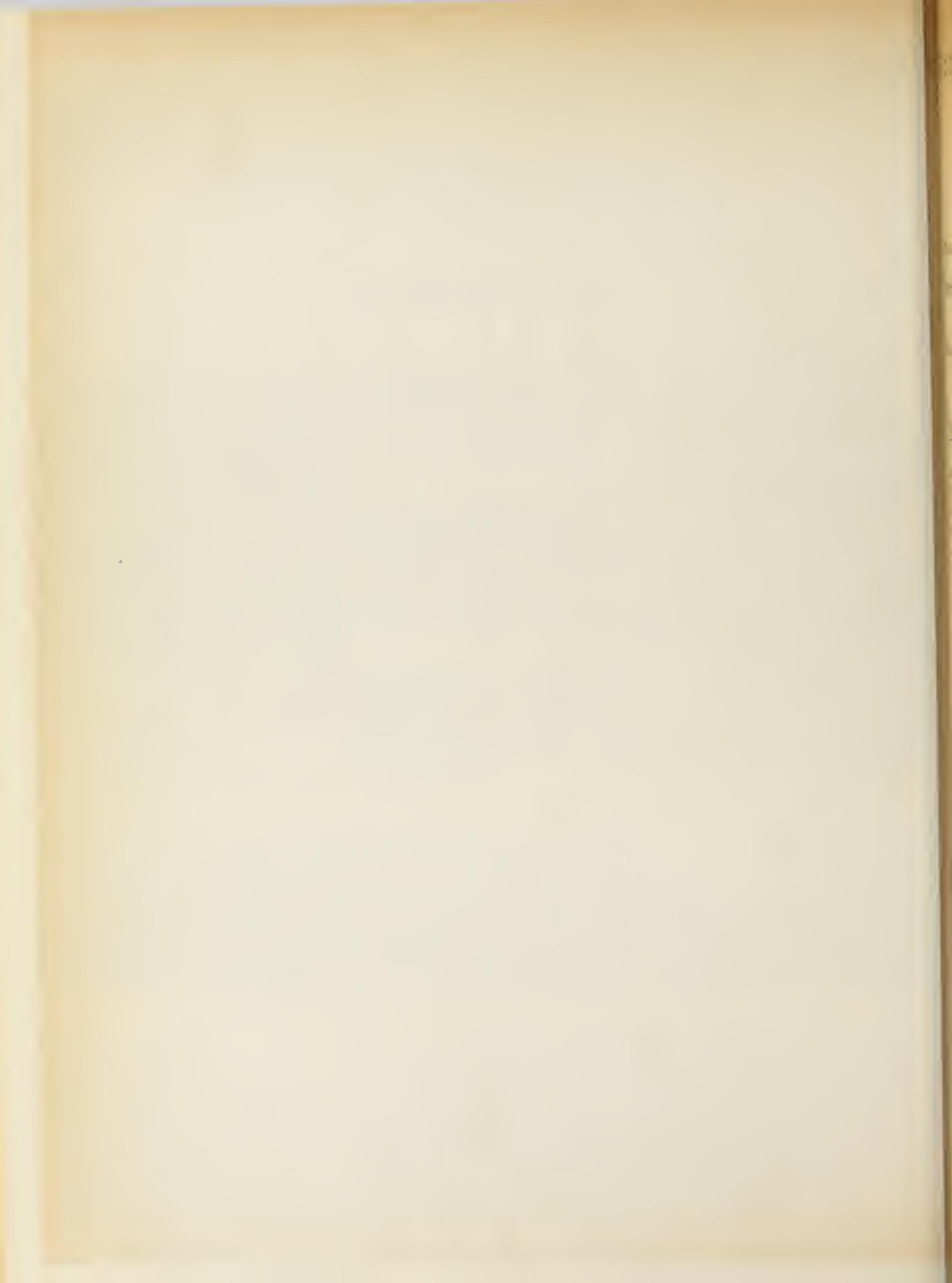
To simplify import operations, the War Food Administration exempted (September 3) salt fish importers from submitting copies of contracts in advance for imports from Canada. This action, contained in an amendment to Food Distribution Order 72, continues the requirement, however, that advance contracts

be made and copies submitted with respect to supplies obtained from Newfoundland or Iceland.

Food Distribution Order 72 covers salted cod, haddock, hake, pollock, cuskling, and saithe, and was issued to assure equitable distribution in the U. S. of limited supplies of these 7 species of imported salted fish.

All applications for import quotas must be filed not later than September 20,

1943, with the Director of Food Distribution, showing each lot of salted fish imported by the applicant in the calendar year 1942, and from January 1 to August 5, 1943. The application must show for each lot of such fish, the country of origin, name of shipper, quantity, date and port of entry, rate of duty paid, and name of the person making United States customs entry.



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WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

December 4, 1943

To: All Regional Offices, Food Distribution Administration

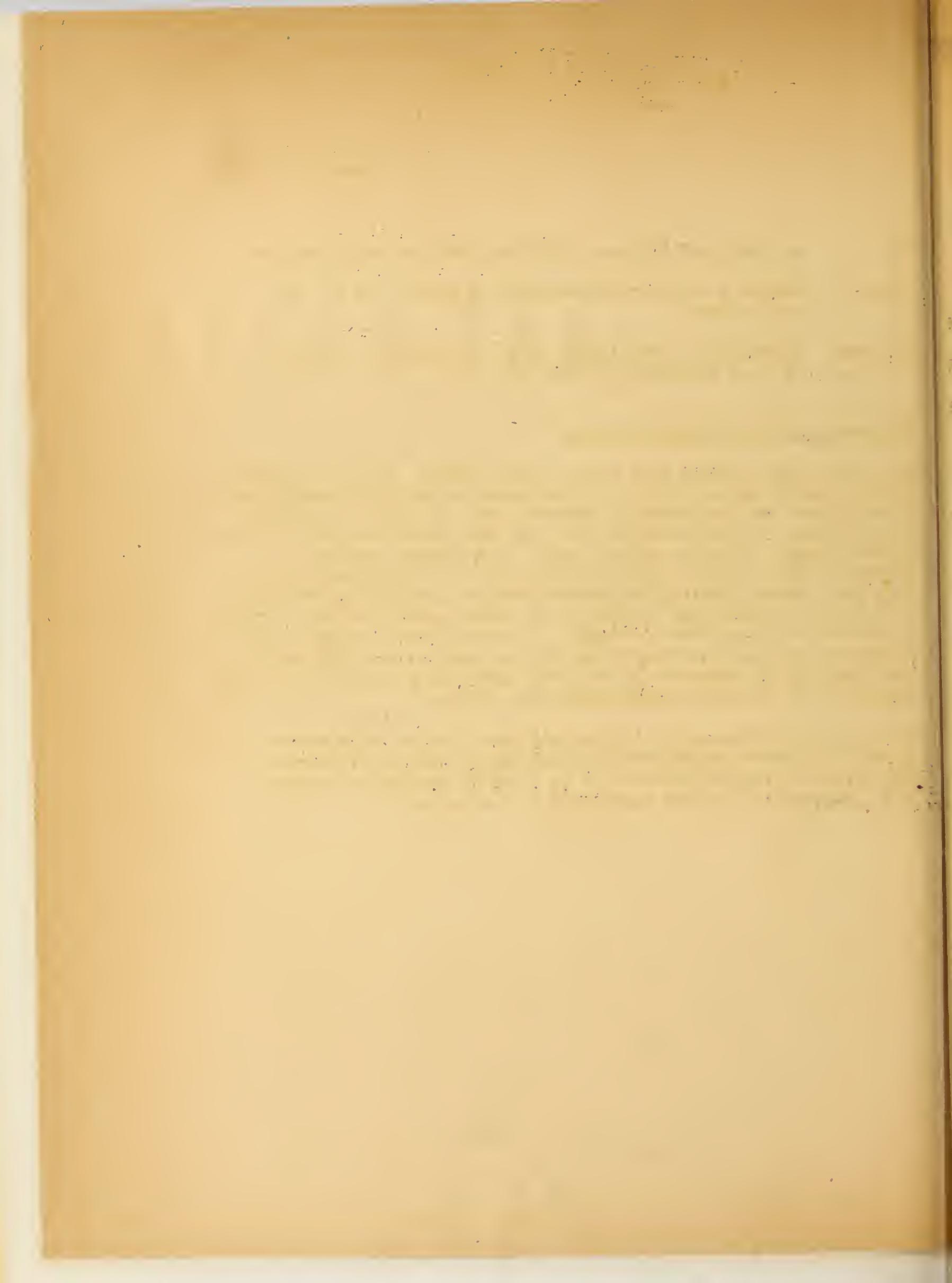
From: Robert W. Tyson, Alternate Administrator FDO No. 72
Salted Fish

Subject: Summary No. 3 for inclusion in the Loose Leaf Docket
of Food Distribution Order No. 72.

Progress of Imports Under the Order

Available data indicate that imports under FDO No. 72 are relatively faster than in normal times. The increased velocity of imports may be attributed to two principal factors. One of these is the fact that supplies are considerably less than even normal demand and that current demand failed to adjust itself to available supplies. Secondly, some importers are apparently under the impression that they must import their entire quotas granted under FDO No. 72 within the time limit specified in their M-63 import authorizations. This, of course, is an erroneous concept. Importers who have been unable to import within such time limits the quotas granted under FDO No. 72 may apply for an extension of the M-63 permit or may apply for a new permit if the original authorization has expired.

As the matter stands only a relatively small number of importers show the wisdom of spreading their quotas over the entire season. The result of this situation will be an acute shortage of salted fish long before the 1944 pack comes to the market.



WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

January 5, 1944

To: All Regional Offices, Food Distribution Administration
From: Robert W. Tyson, Alternate Administrator FDO No. 72
Subject: Summary No. 4 for Inclusion in the Loose Leaf Docket of Food Distribution Order No. 72.

Progress of Imports Under the Order:-

A large number of importers qualified under Food Distribution Order No. 72 have already exhausted their quotas or are approaching that point.

Inasmuch as all the codfish thus far allocated to the United States both from Canada and Newfoundland has been distributed among qualified importers, it is no longer possible to consider requests for relief under the hardship clause of the Order.

